

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSFILED  
IN CLERKS OFFICE

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SARAH HORTON,	)	U.S. DISTRICT COURT DISTRICT OF MASS.
Plaintiff,	)	
v.	)	
TSI FENWAY, INC.	)	Civil Action No. 04-CV-12359-MEL
d/b/a BOSTON SPORTS CLUBS,	)	
Defendant.	)	)

JOINT STIPULATION TO WITHDRAW REQUEST FOR  
EMOTIONAL DISTRESS DAMAGES

Whereas, on May 18, 2005, Defendant TSI Fenway, Inc. ("TSI Fenway") served Plaintiff Sarah Horton ("Horton") its First Set of Requests for Production seeking, among other things, medical records concerning any alleged emotional distress suffered by Horton; and

Whereas, on July 7, 2005, TSI Fenway served subpoenae duces tecum seeking copies of Horton's medical records to the medical services providers Horton identified as having assisted her with the emotional distress allegedly suffered; and

Whereas, on July 20, 2005, Horton indicated that she is not seeking compensation for any emotional distress suffered and does not intend to introduce evidence at trial of any emotional distress suffered, and requested that TSI Fenway withdraw the subpoenae and discontinue pursuit of evidence concerning any alleged emotional distress;

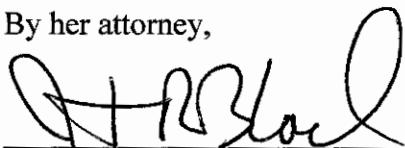
Horton and TSI Fenway hereby stipulate, and respectfully request the Court to order, that Horton is not claiming that she suffered emotional distress as a result of any action by TSI Fenway, is not seeking damages for any alleged emotional distress suffered and does not intend to, and will not, introduce evidence concerning any alleged emotional distress suffered at the trial of this action. TSI Fenway, in reliance on the foregoing, further agrees to withdraw the subpoenae to Horton's medical service providers and to discontinue further efforts to obtain information concerning any emotional distress previously alleged by Horton.

Respectfully submitted,

Plaintiff

SARAH HORTON

By her attorney,

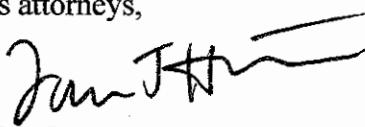


Jonathan Black (BBO#044340)  
99 Derby Street, Suite 200  
Hingham, MA 02043  
(781) 556-1010

Defendant

TSI FENWAY, INC.

By its attorneys,



Laurie J. Hurt (BBO#634149)  
Greenberg Traurig LLP  
One International Place  
Boston, MA 02110  
Tel: (617) 310-6000  
Fax: (617) 310-6001

and

Brian S. Cousin, admitted  
*pro hac vice*  
Greenberg Traurig, LLP  
200 Park Avenue  
New York, New York 10166  
Tel: (212) 801-9354  
Fax: (212) 805-9354

So Ordered:

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Morris E. Lasker,  
Senior Justice of the United States  
District Court for the District of  
Massachusetts

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